

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015

COMMITTEE STATEMENT (CORRECTED)

LB390

Hearing Date: Friday March 06, 2015
Committee On: Judiciary
Introducer: Crawford
One Liner: Provide for medical use of cannabidiol and naloxone and change controlled substances schedules and tranfers to the Nebraska Health Care Cash Fund

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	6	Senators Chambers, Coash, Ebke, Krist, Pansing Brooks, Seiler
Nay:		
Absent:	1	Senator Morfeld
Present Not Voting:	1	Senator Williams

Verbal Testimony:

Proponents:

SEN. SUE CRAWFORD
VINCENT LITWINOWICZ
DR. DEEPAK MADHAVAN
JEFFREY DAVIS

ANN FROHMAN
NICOLE JACOBSON
BRYNN JACOBSON
NICHOLE PERRY
DESIREE STEDNITZ
DEJAY MONSON
SHELLEY GILLEN
SHARI LAWLOR
MARC BOWMAN
CAROL SHEPHERD
JACOB NOWATZKE
ALFREDO SINECO
AMY DICKES

Representing:

INTRODUCER
SELF
SELF
NE SHERIFF'S ASSOCIATION, SARPY COUNTY
SHERIFF'S OFFICE
NE MEDICAL ASSOCIATION
SELF
SELF
SELF
SELF
SELF
SELF
PARENTS COALITION FOR MEDICAL MARIJUANA
SELF
SELF
SELF
SELF
SELF

Opponents:

HOWARD MCINTOSH
SUSIE DUGAN
AARON WEINER
RALPH SMITH

Representing:

SELF
DRUGWATCH INTERNATIONAL
SELF
SELF

Neutral:

CHRIS KRATOCHVIL
GREGORY LAUBY

Representing:

SELF
SELF

Summary of purpose and/or changes:

LB390 is the product of an interim study, LR433 (2014), to examine issues relating to the production, possession, and use of hemp oil for the purposes of treating epileptic seizures. (Hemp oil is also referred to as "cannabidiol oil" or "CBD oil").

Section 1 would amend 28-101 to add sections 4 to 11 of this act to the Criminal Code.

Section 2 would amend 28-401, the definition section of the Uniform Controlled Substances Act, to define a new term, "cannabidiol" and to amend the definition of "marijuana".

Cannabidiol means processed cannabis plant extract, oil, or resin that contains more than ten percent cannabidiol by weight, but not more than three-tenths of one percent tetrahydrocannabinols by weight, and delivered in the form of (a) a liquid, including, but not limited to, oil, or (b) a pill.

Section 3 would amend 28-401.01 to add sections 4 to 11 of this act to the Uniform Controlled Substances Act.

Section 4 would provide new language to define the terms "intractable seizures" and "treatment resistant seizures" for purposes of sections 4 to 9 of this act. This section would also provide Legislative findings and intent.

Section 5 would provide new language, authorizing the University of Nebraska to produce or possess cannabidiol for research, and authorizing certain patients to obtain cannabidiol as part of the Medical Cannabidiol Pilot Study.

Section 6 would provide new language, authorizing the University of Nebraska Medical Center to create the Medical Cannabidiol Pilot Study.

Subsection (2) provides that a neurologist or pharmacist participating in the study shall not be subject to arrest or prosecution for participating in the study.

Subsection (3) provides duties for neurologists participating in the study.

Subsection (4) instructs the University of Nebraska Medical Center to create a risks and benefits form to be signed by medical providers and patients participating in the study.

Subsection (5) instructs the University of Nebraska Medical Center to provide a document to patients to confirm their participation in the study, and requires that the document "shall be accessible to law enforcement agencies in order to verify participation in the Medical Cannabidiol Pilot Study."

Section 7 would provide new language to explicitly require the University of Nebraska Medical Center to comply with the Uniform Controlled Substances Act. Subsection (2) would authorize the University to pursue any federal permits or waivers necessary.

Section 8 would provide new language to provide an affirmative defense to a prosecution for the unlawful possession of marijuana for participants in the Medical Cannabidiol Pilot Study.

Section 9 would provide new language to require the University of Nebraska Medical Center to submit an annual report to the Judiciary and Health and Human Services Committees of the Legislature regarding the Medical Cannabidiol Pilot Study.

Section 10 would provide new language appropriating \$250,000 from the General Fund in FY2015-16 and FY2016-17 for the Medical Cannabidiol Pilot Study.

Section 11 would provide a sunset clause of October 1, 2019 for the Medical Cannabidiol Pilot Study.

Section 12 would repeal the sections amended by this act.

Explanation of amendments:

AM1011 to LB390 would strike the original sections and replace them with the following:

Section 1 would amend 28-101 to add sections 4 to 10 of this act to the Criminal Code.

Section 2 would amend 28-401, the definition section of the Uniform Controlled Substances Act, to define a new term, "cannabidiol" and to amend the definition of "marijuana" as follows:

Cannabidiol means processed cannabis plant extract, oil, or resin that contains more than ten percent cannabidiol by weight, but not more than three-tenths of one percent tetrahydrocannabinols by weight, and delivered in the form of (a) a liquid, including, but not limited to, oil, or (b) a pill.

Marijuana means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds, but does not include the mature stalks of such plant, hashish, tetrahydrocannabinols extracted or isolated from the plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, or the sterilized seed of such plant which is incapable of germination, or cannabidiol obtained pursuant to sections 4 to 10 of this act. When the weight of marijuana is referred to in the Uniform Controlled Substances Act, it means its weight at or about the time it is seized or otherwise comes into the possession of law enforcement authorities, whether cured or uncured at that time. When industrial hemp as defined in section 2-5701 is in the possession of a person as authorized under section 2-5701, it is not considered marijuana for purposes of the Uniform Controlled Substances Act;

These definitions are the same as the definitions provided in the green copy of LB390.

Section 3 would amend 28-401.01 to add sections 4 to 10 of this act to the Uniform Controlled Substances Act.

Section 4 would provide new language to define the term "intractable seizures" for purposes of sections 4 to 10 of this act. This section would also provide Legislative findings and intent.

Section 5 would provide new language designating the University of Nebraska and Nebraska Medicine as the only entities in the state authorized to produce or possess cannabidiol for research and to obtain and test cannabidiol. Cannabidiol shall be dispensed by the Nebraska Medicine Research Pharmacy. This section would also authorize certain patients to obtain cannabidiol as part of the Medical Cannabidiol Pilot Study.

Section 6 would provide new language, requiring the University of Nebraska Medical Center to create the Medical Cannabidiol Pilot Study.

Subsection (1) provides that the pilot study shall designate at least two medical providers to conduct research on the safety and preliminary effectiveness of cannabidiol to treat patients with intractable seizures and treatment resistant seizures. This section requires at least one of the medical providers to be a pediatric neurologist, and requires the medical providers to adhere to the rules and regulations established by the University of Nebraska Medical Center for the study.

Subsection (2) provides that a physician or pharmacist participating in the study shall not be subject to arrest or prosecution for participating in the study.

Subsection (3) provides duties for physicians participating in the study.

Subsection (4) instructs the University of Nebraska Medical Center to create a risks and benefits form to be signed by medical providers and patients participating in the study.

Subsection (5) instructs the University of Nebraska Medical Center to provide a document to patients to confirm their participation in the study. The document may be provided by the patient to law enforcement agencies in order to verify participation in the Medical Cannabidiol Pilot Study. The green copy of the bill would have required that the document be accessible to law enforcement agencies.

Section 7 would provide new language to explicitly require the University of Nebraska Medical Center and Nebraska Medicine to comply with the Uniform Controlled Substances Act. Subsection (2) would authorize the University to pursue any federal permits or waivers necessary.

Section 8 would provide new language to provide an affirmative defense to a prosecution for the unlawful possession of marijuana for participants in the Medical Cannabidiol Pilot Study.

Section 9 would provide new language to require the University of Nebraska Medical Center to submit an annual report to the Judiciary and Health and Human Services Committees of the Legislature regarding the Medical Cannabidiol Pilot Study.

The report would include:

- The number of patients enrolled in the pilot study, including the number of patients under nineteen years of age;
- The number of patients previously enrolled in the pilot study and no longer receiving treatment under the pilot study;
- Any changes in intractable seizure or treatment resistant seizure frequency and severity;
- Any relevant or related adverse health outcomes for patients; and
- A summary of findings concerning appropriate dosing.

Section 10 states that it is the intent of the Legislature that the University of Nebraska appropriate \$250,000 from the University of Nebraska, Nebraska Research Initiative each fiscal year for the Medical Cannabidiol Pilot Study.

Section 11 would provide a sunset clause of October 1, 2019 for the Medical Cannabidiol Pilot Study.

Section 12 would repeal the sections amended by this act.

Section 13 would add an emergency clause to this bill. Since an emergency exists, this act would take effect when passed and approved according to law.

Les Seiler, Chairperson